IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 281/2003
NARENDRA SINGH Vs. STATE OF RAJASTHAN & ORS.

DATE: 08.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Suresh Dhenwal for
Mr. Praveen Balwada for the petitioner.
Mr. B.K. Sharma, Public Prosecutor for the State.

****

None appeared on behalf of the accused-respondents despite service.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the judgment dated 03.01.2003 passed by the Additional Chief Judicial Magistrate No.1, Behror, District Alwar in Sessions Case No. 380/2001, whereby except accused-respondent No.2 Suresh all the accused-respondents have been given the benefit of probation under Section 4 of the Probation of Offenders Act for the offences under Sections 447, 148, 323, 325/149 and 341 IPC and the accused-respondent Suresh has been acquitted from the offences under Sections 447, 148, 323, 325/149 and 341 IPC.

Having heard rival submissions of the respective parties and after going through the impugned

judgment dated 03.01.2003 passed by the Additional Chief Judicial Magistrate No.1, Behror, District Alwar, I find no illegality as the prosecution has been able to prove the guilt against the accused-respondents and they have been punished under Sections 447, 148, 323, 325/149 and 341 IPC except accused-respondent Suresh who has been acquitted from the offence under Sections 447, 148, 323, 325/149 and 341 IPC but while exercising its discretion extended the benefit of probation in favour of the accused-respondents invoking provisions of Section 4 of the Probation of Offenders Act and also imposed a fine of Rs. 1,000/- on each accused-respondent.

So far as extending benefit of probation under Section 4 of the Probation of Offenders Act in favour of the accused-respondents, I find no illegality or error in the impugned judgment but looking to the nature of offence and in the facts and circumstances of the case, I deem it proper to enhance the amount of fine from Rs. 1,000/- to Rs. 2,500/- for each of the accused-respondent.

The revision petition stands disposed of as indicated herein above.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/